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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To amend the Second Chance Act of 2007 to require identification for returning citizens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. WATSON COLEMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Second Chance Act of 2007 to require identification for returning citizens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “New Pathways Act”.

5 **SEC. 2. IDENTIFICATION FOR RETURNING CITIZENS.**

6 Section 231(b) of the Second Chance Act of 2007 (34
7 U.S.C. 60541(b)) is amended to read as follows:

8 “(b) IDENTIFICATION AND RELEASE ASSISTANCE
9 FOR FEDERAL PRISONERS.—

1 “(1) DEFINITIONS.—In this subsection—

2 “(A) the term ‘community confinement’
3 means residence in a community treatment cen-
4 ter, halfway house, restitution center, mental
5 health facility, alcohol or drug rehabilitation
6 center, or other community facility;

7 “(B) the term ‘direct-release prisoner’
8 means a prisoner who is scheduled for release
9 and will not be placed in prerelease custody;

10 “(C) the term ‘noncitizen covered indi-
11 vidual’—

12 “(i) means an individual in the cus-
13 tody of the Bureau of Prisons or sentenced
14 to a term in community confinement
15 who—

16 “(I) is lawfully present and eligi-
17 ble for employment authorization in
18 the United States; and

19 “(II) has a document dem-
20 onstrating that the individual will
21 have a place of residence upon release;
22 and

23 “(ii) includes an alien lawfully admit-
24 ted for permanent residence (as defined in
25 section 101(a) of the Immigration and Na-

1 tionality Act (8 U.S.C. 1101(a))), a ref-
2 ugee (as defined in that section of that
3 Act), and an asylee; and

4 “(D) the term ‘United States citizen cov-
5 ered individual’ means an individual in the cus-
6 tody of the Bureau of Prisons or sentenced to
7 a term in community confinement who has—

8 “(i) a social security card;

9 “(ii) a document described in para-
10 graph (2)(B)(ii) as proof of United States
11 citizenship; and

12 “(iii) a document demonstrating that
13 the individual will have a place of residence
14 upon release.

15 “(2) OBTAINING IDENTIFICATION FOR UNITED
16 STATES CITIZENS.—

17 “(A) IN GENERAL.—With respect to a
18 United States citizen covered individual, the Di-
19 rector shall provide a photo identification card,
20 which shall comply with the minimum require-
21 ments described in section 202(b) of the REAL
22 ID Act of 2005 (49 U.S.C. 30301 note), prior
23 to—

1 “(i) the release of the United States
2 citizen covered individual from a term of
3 imprisonment in a Federal prison; or

4 “(ii) the release of the United States
5 citizen covered individual from a sentence
6 to a term in community confinement.

7 “(B) ASSISTANCE IN OBTAINING DOCU-
8 MENTS.—

9 “(i) IN GENERAL.—Subject to clause
10 (iii), for the purpose of issuing an identi-
11 fication card under this subsection, the Di-
12 rector shall obtain, on behalf of United
13 States citizen covered individuals—

14 “(I) a social security card; and

15 “(II) a document described in
16 clause (ii) as proof of United States
17 citizenship.

18 “(ii) PROOF OF UNITED STATES CITI-
19 ZENSHIP.—A document described in this
20 clause is—

21 “(I) a United States passport;

22 “(II) an original or certified copy
23 of a birth certificate that indicates
24 that the individual was born in the

1 United States or a territory of the
2 United States;

3 “(III) in the case of a United
4 States citizen born inside the United
5 States for whom a document de-
6 scribed in subclause (I) or (II) is not
7 available, any document described in
8 subsection (a), (b), or (c) of section
9 435.407 of title 42, Code of Federal
10 Regulations, or any successor thereto;
11 or

12 “(IV) in the case of a United
13 States citizen born outside the United
14 States, an original or certified copy
15 of—

16 “(aa) a certificate of natu-
17 ralization (Form N-550 or N-
18 570);

19 “(bb) a consular report of
20 birth abroad (Form FS-240);

21 “(cc) a certification of birth
22 abroad (Form FS-545);

23 “(dd) a certification of re-
24 port of birth (Form DS-1350);

25 or

1 “(ee) a certificate of citizen-
2 ship (Form N-560).

3 “(iii) EXCEPTIONS.—

4 “(I) LACK OF RESPONSE FROM
5 FEDERAL OR STATE AGENCY.—If the
6 Director cannot obtain a copy of a
7 document required under clause (i)
8 because of inaction by the Federal or
9 State agency from which the docu-
10 ment was requested, the Director
11 shall provide to the United States cit-
12 izen covered individual—

13 “(aa) a written statement
14 that explains what steps the Di-
15 rector took in trying to obtain
16 the document; and

17 “(bb) any documents trans-
18 mitted to the Director by the
19 Federal or State agency in re-
20 sponse to the request for the doc-
21 ument.

22 “(II) LACK OF AUTHORIZATION
23 FROM UNITED STATES CITIZEN COV-
24 ERED INDIVIDUAL.—If the Director
25 cannot obtain a copy of a document

1 required under clause (i) because the
2 United States citizen covered indi-
3 vidual does not provide the authoriza-
4 tion required to obtain the document,
5 the Director shall provide a written
6 statement to the United States citizen
7 covered individual that explains why
8 the document was not obtained.

9 “(C) PROVISION OF DOCUMENTS.—Upon
10 issuance of an identification card to a covered
11 individual under this paragraph, the Director
12 shall provide all documents obtained for the
13 United States citizen covered individual under
14 subparagraph (B).

15 “(3) OBTAINING DOCUMENTS FOR NONCITI-
16 ZENS.—

17 “(A) IN GENERAL.—With respect to a non-
18 citizen covered individual, the Director shall as-
19 sist in obtaining from the Director of the U.S.
20 Citizenship and Immigration Services—

21 “(i) proof of lawful status in the
22 United States of the noncitizen covered in-
23 dividual; and

24 “(ii) in the case of a noncitizen cov-
25 ered individual who is not admitted for

1 lawful permanent residence, an employ-
2 ment authorization document.

3 “(B) ASSISTANCE.—The assistance pro-
4 vided by the Director under subparagraph (A)
5 shall include—

6 “(i) providing the noncitizen covered
7 individual with applicable U.S. Citizenship
8 and Immigration Services forms and in-
9 structions; and

10 “(ii) assisting the noncitizen covered
11 individual in completing and submitting
12 such forms, together with any required
13 supporting documentation.

14 “(C) PROVISION OF DOCUMENTS.—Upon
15 receipt of a document for a noncitizen covered
16 individual under this paragraph, the Director
17 shall provide such document to the noncitizen
18 covered individual.

19 “(4) ASSISTANCE DEVELOPING RELEASE
20 PLAN.—At the request of a direct-release prisoner, a
21 representative of the United States Probation Sys-
22 tem shall, prior to the release of that prisoner, help
23 that prisoner develop a release plan.”.